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From Rhea C. Nersesian	Tel 510-814-2908
Roche Molecular Systems	Fax 510-814-2973

Date October 4, 2004
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Number of pages <u>3</u> (including this cover sheet)
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In re Application:	Heindl et al.
Serial No:	10/621,428
Atty Docket No:	21329-US

**Please hand deliver to:**

Examiner: Frank Lu, Ph.D.

Group Art Unit: 1634

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Enclosure

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10/4/2004  
Date  
Rhea C. Nersesian

Atty Docket No. 21329-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application :

Heindl et al.

## Serial No:

10/621,428

## Filed:

7/16/2003

## For:

FLUORESCENT HYBRIDIZATION  
PROBES WITH REDUCED  
BACKGROUND

Group Art Unit: 1634

Examiner: Frank Lu, Ph.D.

Confirmation number: 8931

RESPONSE UNDER 35 U.S.C. 121

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed September 2, 2004, Applicants elect for further prosecution without traverse Group I - claims 15-20, drawn to a plurality of FRET hybridization probes (claims 15 and 16), a set of 3 oligonucleotides (claims 17 and 18), a composition comprising a nucleic acid sample and a pair of hybridization probes, and a kit comprising a pair of hybridization probes; classified in class 536, subclass 23.1.

Applicants reserve the right to prosecute all other groups in either a divisional or continuation application.

Arty Docket No. 21329-US  
Serial No. 10/621,428

Please direct all future correspondences to:

Customer No. 22829  
Roche Molecular Systems, Inc.  
Patent Department  
1145 Atlantic Avenue  
Alameda, California 94501

Applicants believe no fee is due for filing this response, however, should any fee be due, the Commissioner is hereby authorized to charge those fees to U.S. Deposit Account No. 50-0812.

Respectfully submitted,

Date: October 4, 2004

By: 

Rhea C. Nersesian  
Reg No. 55,488

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